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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,721	05/15/2001	Kevin Rowney	2829-131	8663

6449 7590 04/19/2007
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
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WASHINGTON, DC 20005

EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary

Application No.

09/854,721

Applicant(s)

ROWNEY ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/9/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

This office action is in response to amendment filed November 28, 2006. Applicant amended claims 7, 9 and 16, and canceled claim 12. Claims 7-11 and 13-16 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heintz et al. (US 2001/0025253) in view of Ross, Jr. et al. (US 6,993,572).

Regarding claims 7 and 16, Heintz teaches creating a promotional link (directing to the location of a website by means of a link in an e-mail, a link on a Website) in a site owner, the link corresponding to a promotion in affiliates (vendors who become affiliate with the program), the promotion including an offer for an award of points by the site owner in exchange for qualifying activity at the affiliate site (the system configured to award the member points once or various times for subsequent visits to the promotional internet site via the provided link); redirecting the user to an affiliate system capable of capturing the qualifying activity; calculating and tracking of the site owner points awarded to the user (see par. [0015]-[0019]). Heintz teaches validating user (see [0016]) however failed to explicitly teach secure communication means for transferring data. Ross teaches secure connection for transferring data and validating user (see

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col. 9 lines 20-31, col. 12 lines 1-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for Heintz to provide encryption means to provide secure communication between the entity, as taught in Ross, and validate users for the intended use of providing secure communication. Ross also teaches calculating rewards (commission or referral fee) for the site owner (host) corresponding to the qualifying activity completed by the user in response to the promotion (see col. 24 lines 24 to col. 25 line 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide commission or referral fee, as in Ross to the host of (Heintz) for providing service of advertising or hyperlink, which provides revenue for the merchants.

Regarding claim 8, Heintz teaches the link comprising destination uniform resource locator, token (link ID) etc. (see [0017], [0021]).

Regarding claim 9, Heintz teaches the destination uniform resource locator is a lower level domain name for an affiliate server (see [0017]).

Regarding claims 10 and 15, Heintz teaches the promotional channels selected from the group consisting of e-mail, banner, advertising, and html link in a web page and off-line coupon (see [0018]).

Regarding claim 11, Heintz teach a public network (Internet) (see [0017], [0018]).

Regarding claim 12, Heintz teaches the reward estimator calculates a reward corresponding to the activity completed by the user (see [0017], [0021]).

Regarding claim 13, Heintz teach no clearinghouse server (see fig. 1-4).

Regarding claim 14, Heintz does not explicitly teach use of proxy for providing extra security. However official notice is taken that is old and well known in the art of secure

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communication to use proxy server to provide secure protocol. One would be motivated to use proxy server in Heintz's system to communicate between the host and affiliated vendors since a proxy server acts as intermediary between entities to provide the added security.

Response to Arguments

Applicant's arguments with respect to claims 6-11 and 13-16 have been considered but are moot in view of the new ground(s) of rejection. As indicated above Ross teaches the host being paid for referring the consumer to the affiliate site and the consumer performing a qualifying activity.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barber (US 5930777), teaches specifying a percentage of a tokenized link transaction a vendor will pay as a commission to another vendor who refers a consumer to a top commerce page.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


RETTA DEGA
PRIMARY EXAMINER